IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO: 14436 of 2003

Between:

1 B.Bhaghavan Singh, S/o.Lal Singh, E.650906,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
2 D.Srinath, S/o.Butchaiah, E.650942,
Working as Driver in APSRTC,

Torrur Depot, Warangal District.
3 M.Shivanandam, S/o.M.Abbaiah, E.650944,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
4 B.Laxminarayana, S/o.Rajaiah, E.650950,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
5 P.Venkateshwarlu, S/o.Mallaiah, E.650956,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
6 M.Sambaiah, S/o.Roshalu, E.650960,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
7 M.Rajaiah, S/o.Atchaiah, E.650967,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
8 N.Mahender Reddy, S/o.Keshava Reddy, E.650955,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
9 M.Sammaiah, S/o.Veeraiah, E.650937,
Working as Driver in APSRTC,

Torrur Depot, Warangal District.
10 Ch.K.Swamy, S/o.Venkataiah, E.650965,

Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
11 N.Venkateshwarlu, S/o.Somaiah, E.650958,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
12 D.Ekambaram, S/o.Ramulu, E.650964,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
13 Ch. Brahmachary, S/o.Sattaiah, E.650949,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.
14 A.Swamy, S/o.Ellaiah, E.651020,
Working as Driver in APSRTC,

Mahaboobabad Depot, Warangal District.

..... PETITIONERS

AND

1 The Vice-Chairman and Managing Director,

A.P.S.R.T.C., Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Warangal Region

at Warangal, Warangal Disrict.
3 The Depot Manager, APSRTC,

Torrur Depot, Warangal Disrict.
4 The Depot Manager, APSRTC,

Mahaboobabad Depot, Warangal Disrict.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the impugned proceedings of the 2nd respondent dated 30.6.2003 in his Proceedings No.P3/205 (11) 2003-RM-WL, and further declare the action of the respondents in not regularizing the services of the petitioners as Driver Grade II from the date of their initial appointment, is illegal and arbitrary and consequently direct the respondents to regularise the services of the petitioners as Grade II Drivers in APSRTC with all consequential benefits forthwith.

Counsel for Petitioners: MR C.RAJA SHEKAR REDDY

Counsel for Respondents 1 to 4: SMT. G.JYOTHI KIRAN, STANDING COUNSEL FOR APSRTC

The Court made the following ORDER:

Heard the learned Counsel for both parties.

2. This writ petition is filed to declare the impugned proceedings No.P3/205(11) 2003-RM-WL, dated 30-6-2003, of the second respondent and the action of the respondents in not regularizing the services of the petitioners as Driver Grade-II from the date of their initial appointment, is illegal and arbitrary and consequently direct the respondents to regularize the services of the petitioners as Driver Grade-II in APSRTC with all consequential benefits forthwith.

3. All the petitioners herein were appointed on 3-2-1998 as daily wage drivers along with others. The petitioners were engaged as and when the work is there and they were also disengaged during the period of slack season. The petitioners were disengaged by the second respondent by his proceedings dated 30-6-2003 due to the curtailment of slack season and withdrawal of cushion provided on double shift. The petitioners questioned the said order disengaging their services on the ground that some of the juniors to them have been engaged ignoring the seniority of the petitioners in the seniority maintained for the casual drivers.

4. The learned Counsel appearing for respondents-APSRTC submits that as and when there is a slack season, the services of the petitioners are disengaged and their disengagement is only as per the requirement and the seniority among all the daily wage employees only. It is stated that the seniority of the petitioners has not been ignored and while engaging and disengaging, the seniority of the casual daily wage drivers is strictly adhered to.

5. It is true that the petitioners are engaged as daily wage Grade-II drivers on temporary basis and they have no vested right for automatic regular appointment. But, the respondents cannot ignore the seniority while regularizing the services of the daily wage drivers. Therefore, this Court, while admitting the writ petition, granted interim direction on 18-7-2003 in W.P.M.P.No.17874 of 2003, directing the respondents to engage the services of the petitioners, subject to availability of work in preference to their juniors in the category of casual Drivers, who were engaged in the year 1998.

6. As the petitioners have been working as casual Drivers from 1998 and having regard to the facts and circumstances of the case, the respondents are directed to consider the cases of the petitioners either for re-engagement or for continuance or

for their absorption on regular basis as Drivers based on the seniority of the petitioners as casual drivers, who have been working from 1998 onwards.

7. The writ petition is accordingly disposed of. No order as to costs.

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(V.ESWARAIAH, J)

Dated: 13th October, 2004.

Ak/Shr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice-Chairman and Managing Director, A.P.S.R.T.C.,

Musheerabad, Hyderabad.

2. The Regional Manager, APSRTC, Warangal Region

at Warangal, Warangal District.

3. The Depot Manager, APSRTC, Torrur Depot, Warangal District.

4. The Depot Manager, APSRTC, Mahaboobabad Depot,

Warangal District.

5. Two CD copies.